IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 556 OF 2006
IN
APPEAL (LODG.) NO. 115 OF 2006.
IN
CHAMBER SUMMONS NO. 1684 OF 2004
IN
SUIT NO. 611 OF 2001.

Messrs. Carona Limited.] .. Appellants (Ori.Defendants)

Versus

Burjor Sorabjee Sidhwa.] .. Respondents (Ori.Plaintiff)

Mr. Bharat Vaishnawa i/b M/s. Bharat Vaishnava & Co. for the applicant in support.

Mr. Girish Desai i/b Rajesh Shah & Co. for the respondents.

Mr. P.V. Yadav, Section Officer - representative of Court Receiver present.

CORAM: R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED: 27TH FEBRUARY, 2006

P.C. :

. The Appeal suffers from delay of 12 days. By means of this Notice of Motion, the appellants pray for condonation of delay. It is stated that the appellants desired to change their Advocates and the procedure took some time as the new Advocate took time to go through various orders passed in the proceedings and voluminous

record.

2. The respondent has been served and despite service, no reply Affidavit has been filed. Mr. Girish Desai, the learned counsel for the respondent submitted that the Appeal was not maintainable. We are afraid, the question of maintainability of the Appeal cannot be seen while examining the application for condonation of delay. The said aspect shall be examined only if delay in filing the Appeal is condoned and the Appeal is posted for admission.

3. For the reasons stated in the Affidavit in support of the Notice of Motion, we are satisfied that the appellants were prevented by sufficient cause in filing the Appeal belatedly. We accordingly condone the delay. The Office is directed to process the Appeal and post it for admission on 6th March, 2006.

4. Notice of Motion stands disposed of.

Sd/-
[R.M. LODHA, J.]

Sd/-
[ANOOP V. MOHTA, J.]